

# Wetlands Bureau Decision Report

Decisions Taken  
05/24/2004 to 05/28/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**1999-02571                      OLDHAM, J DONALD**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Reconsider and approve docking facility based on the removal of the easement on the frontage.

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### Conservation Commission/Staff Comments:

Moultonborough CC concerned with setback to north abutter and length of frontage.

### APPROVE RECONSIDERATION:

Remove an existing 6 ft x 50 ft seasonal pier. Fill 750 sq ft of lake bed to construct a 50 ft breakwater parallel to the shoreline, with a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 40 ft 6 in walkway in an "F" configuration on 100 feet of frontage on Long Island, Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans dated June 14, 2000, as received by the Department on June 14, 2000.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The breakwater shall have an irregular face to dissipate wave energy.
13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on June 9, 2000, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on June 9, 2000 found no obvious evidence of sand migration along this shoreline.
8. Documentation that the easement has been removed from the frontage was recieved by the Wetlands Bureau on May 24, 2004.

-Send to Governor and Executive Council-

**2003-01551                      MARRIOTT, J.WILLARD,STEPHEN & JULIA**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Dredge 58 cu yd from 1,870 sq ft of lakebed and excavate 963 sq ft from the bank along 67 linear feet of shoreline to construct a 57 ft x 32 ft 6 in, 3-slip dug-in boathouse and excavate 432 sq ft from 25 linear ft of shoreline to construct a 250 sq ft perched beach with 6 ft wide access stairs on an average of 234 ft of frontage on Tuftonboro Neck, Lake Winnepesaukee.

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Inspection Date: 08/12/2003 by Darlene Forst

APPROVE PERMIT:

Dredge 58 cu yd from 1,870 sq ft of lakebed and excavate 963 sq ft from the bank along 67 linear feet of shoreline to construct a 57 ft x 32 ft 6 in, 3-slip dug-in boathouse and excavate 432 sq ft from 25 linear ft of shoreline to construct a 250 sq ft perched beach with 6 ft wide access stairs on an average of 234 ft of frontage on Tuftonboro Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co, Inc. revised March 19, 2004, as received by the Department on April 19, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 526.00) above the dock surface (Elev. 506.00).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. No wheeled or tracked equipment shall be used in the water.
12. The cofferdam shall be completely removed from the jurisdiction of the Wetlands Bureau.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. No work is authorized to the existing 2-slip pier on the frontage. This pier shall be reduced to the approved dimensions of 6 ft x 30 ft as part of the next permitted repair or replacement of the structure.
16. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
17. Material placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of the existing

retaining wall currently located along the normal high water line (Elev. 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

18. The steps installed for access to the water shall be located completely landward of the normal high water line.

19. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.

20. This permit shall be used only once, and does not allow for annual beach replenishment.

21. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

#### With Findings:

#### Standards for Approval

1. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."

2. In accordance with RSA 483-B:17, IV, Rulemaking, the commissioner shall adopt rules regulating the "[p]rocedures and criteria for the placement of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is consistent with the intent of this chapter."

3. In accordance with RSA 483-B:4, II, Definitions, "[a]ccessory structure means a structure detached from the primary building on the same lot and incidental and subordinate to the primary building or use, such as a pump house, gazebo, or woodshed."

4. In accordance with RSA 483-B:10, II, "Building on nonconforming lots of record shall be limited to single family residential structures and related facilities, including, but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, consistent with state law."

5. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."

6. In accordance with RSA 483-B:3, Consistency Required, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."

7. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."

8. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall explain the need for the proposed project.

9. In accordance with Rule Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant permit if the applicant has failed to document consideration of the factors required in Rule Wt 302.04 (a).

10. In accordance with Rule Env-Ws 1405.03, Status, "accessory structures shall: ... (b) Have a footprint no larger than 150 square feet."

11. In accordance with Rule Env-Ws 1405.05, Placement, "no accessory structure shall be built on land having greater than 25% slope."

12. In accordance with Rule Wt 401.01, Purpose, the purpose of Chapter 400, Shoreline Structures, is to protect the public trust, and other interests of the state of New Hampshire and prevent unreasonable encroachment on surface waters. "To preserve the integrity of the surface waters of the state all structures shall be constructed so as to...minimize the reduction of water area available for public use..."

13. In accordance with Rule Wt 402.09(a), Structures Disallowed, boathouses located in or over the waters are not permitted.

14. In accordance with Rule Wt 402.09(b)(1), Structures Disallowed, boathouses over a dredged inlet may be permitted only where they will not adversely affect the stability of the shoreline.

15. In accordance with Rule Wt 402.09(b)(2), Structures Disallowed, boathouse construction shall not result in water quality degradation.

16. In accordance with Rule Wt 402.09(b)(3), Structures Disallowed, boathouse construction shall not adversely impact the existing movement of currents or sediments along the shore.

17. In accordance with Rule Wt 402.09(b)(4), Structures Disallowed, boathouses over a dredged inlet may be permitted only where "[a]lternative docking and storage solutions with less environmental impact do not exist."

18. In accordance with Rule Wt 402.09(b)(5), Structures Disallowed, boathouse construction shall not impact wetlands, streams or similar areas.

19. A maximum of 4 slips may be permitted on 234 ft frontage per Rule Wt 402.14, Frontage Over 75'.
20. A boat slip on Lake Winnepesaukee is defined per RSA 482-A:2, VIII as a volume of water 8 ft wide, 25 ft long, and 3 ft deep.
21. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, the Department shall not grant permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
22. This project is classified as a major project per Rules Wt 303.02(d) and (g), construction of a major docking facility involving dredge of more than 20 cubic yard from public waters.

#### Findings of Fact

23. On July 18, 2003 the Wetlands Bureau received an application for bank and surface water impacts, on the lot identified as Tuftonboro tax map 61, block 1, lot 16, for the construction of a 3 slip dug-in boathouse and a perched beach.
24. A permit is required for the construction of this structure per RSA 482-A. In accordance with RSA 483-B:3 the permit shall be issued only if the project complies with the intent and policies of RSA 483-B.
25. The applicant has an average of 234 feet of shoreline frontage along Lake Winnepesaukee.
26. The applicant received deeded rights to 1 additional slip from the abutting property on September 30, 2003.
27. The permitted dock on the frontage provides 2 slips as defined per RSA 482-A:2, VIII. There is presently no boat storage provided on this frontage.
28. The proposed docking facilities will provide an additional 3 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.14.
29. Three of the proposed slips will also be available for year-round boat storage.
30. The alternative of constructing of a boathouse to provide storage over the water is prohibited per Rule Wt 402.09(a).
31. The proposed structure is intended to store boats belonging to the resident(s) of the property and is therefore incidental and subordinate to the primary residential use of the property and by definition is an accessory structure.
32. Neither RSA 483-B nor the rules governing accessory structures limit the number of accessory structures allowed on a frontage. The construction of a single boathouse with space for the storage of boat related accessories with a single building envelope is less impacting and disruptive to the protected shorelands than the construction of a series of 150 sq ft structures each having its own building envelope. Therefore the size restriction found in Rule Env-Ws 1405.03 is waived to permit the boathouse.
33. The decision to waive an individual rule to allow a less impacting alternative is consistent with the intent of RSA 483-B.
34. This project involves excavating to a point approximately 39 ft landward of the normal high water line. The frontage gains 9 ft in elevation over the 39 ft to be disturbed.
35. The average slope through the project area is 23.1%.
36. The 23.1% slope to be impacted is below the 25% threshold established for accessory structures per Rule Env-Ws 1405.05.
37. The construction of a boathouse utilizing appropriate construction methods, precautions and siltation, erosion and turbidity controls will not result in water quality degradation.
38. The plans submitted illustrate that the impacted shoreline will be restabilized such that the long-term stability of the shoreline will not be adversely affected.
39. The proposed structures will be located entirely within the property of the applicant with no intrusion into the public waters.
40. A minimally sized 3 slip docking facility, with seasonal canopies, constructed over the water would result in 1332 sq ft of intrusion extending at least 30 ft into the public waters and would not allow for the storage of watercraft.
41. DES Staff conducted a field inspection of the proposed project on August 18, 2003. Field inspection found no obvious evidence of sand migration along the frontage.
42. Public hearing is waived based on field inspection, by NH DES staff, on August 18, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

#### Rulings in Support of the Decision

43. The Applicant has satisfied the requirements of Rule Wt 402.09(b) relative to allowing the construction of a boathouse over a dredged inlet.
44. The construction of a docking facility over the public waters will not meet the Applicant's storage needs.
45. The construction of a docking facility over the water would result in a greater intrusion into the public waters, and therefore, would not be consistent with the purpose of Chapter 400.
46. The language of RSA 483-B:10, II, infers that boathouses are acceptable structures under the Comprehensive Shoreland Protection Act, therefore, the Wetlands Bureau believes that the issuance of this permit is in keeping with the intent of the Act as

required per RSA 483-B:3.

47. The Applicant has adequately addressed Rule Wt 302.04(a) as required for approval per Rule Wt 302.04(d).

-Send to Governor and Executive Council-

**2003-02843                      GOULD, RICHARD**  
**BETHLEHEM   Unnamed Wetland**

Requested Action:

Retain 40,807 square feet of previously filled wetlands and stream crossings from past forestry operations and fill an additional 13,300 square feet of palustrine forested wetland and intermittent streams to construct an access road and driveway crossings to serve a 24-lot subdivision (Phase 1) situated on 1,205.85 acres in Bethlehem and on 413.91 acres in Carroll. Mitigate impacts by creating 34,300 square feet of wetlands in 2 locations (22,600 square feet in Bethlehem and 11,700 square feet in Carroll) that will provide deep-water habitat and serve as emergency water for fire protection.

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Inspection Date: 05/27/2004 by Craig D Rennie

APPROVE PERMIT:

Retain 40,807 square feet of previously filled wetlands and stream crossings from past forestry operations and fill an additional 13,300 square feet of palustrine forested wetland and intermittent streams to construct an access road and driveway crossings to serve a 24-lot subdivision (Phase 1) situated on 1,205.85 acres in Bethlehem and on 413.91 acres in Carroll. Mitigate impacts by creating 34,300 square feet of wetlands in 2 locations (22,600 square feet in Bethlehem and 11,700 square feet in Carroll) that will provide deep-water habitat and serve as emergency water for fire protection.

With Conditions:

1. All work shall be in accordance with revised plans by Provan & Lorber, Inc. and Horizons Engineering, PLLC dated February, March & April 2004, as received by the Department on May 14, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within the "Phase 1" area of this subdivision.
3. The deed which accompanies the sales transaction for each of the lots within the "Phase 1" area of this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. This permit is contingent on approval by the DES Site Specific Program.
7. The applicant shall notify DES and the local conservation commission in writing of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
9. Work shall be done during low flow.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

18. This permit is contingent upon the creation of 34,300 square feet of wetlands in accordance with plans received May 14, 2004.
19. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
20. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
21. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
22. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
23. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
24. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
25. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
26. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
27. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This project is considered a Major Project per NH Administrative Rule Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. To help mitigate impacts, the applicant is proposing to construct 34,300 square feet of wetland/pond habitat that will additionally serve as emergency water for fire protection.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Public hearing is waived as the majority of the wetland impacts occurred approximately 25 years ago during active forestry practices.
6. On May 27, 2004, DES staff inspected the property and found that the project does not propose any significant new impacts to the resources on this large parcel of land in Bethlehem and Carroll (~1,800 acres). In addition, only 24 large lots (25-100 acres each) will be subdivided for phase I, and the application states that only 8 more lots will be subdivided for the future phase II.

Requested Action:

1. Permanently remove 650 sqft of rock fill and 378 sqft of decking from the lakebed to restore the natural shoreline behind the excavated dock and fill area.
2. Fill 584 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 7 ft gap at the shoreline and a 4 ft x 30 ft cantilevered pier connected to two 4 ft by 30 ft permanent piling piers by a 6 ft x 45 ft walkway in "W" configuration.
3. Install two personal watercraft lifts in one of the constructed slips.
4. Temporarily remove the existing boathouse, excavate the existing 9 ft wide dug-in slip to 12 ft wide and reconstruct the retaining wall and replace boathouse in kind with no changes in dimensions.
5. Expand the existing 3 ft by 20 ft permanent dock to 4 ft by 25 ft and re-locate the docking structure over the existing rock breakwater.
6. Excavate 760 sqft to construct a 567 sqft perched beach with a 6 ft wide access stairs to the waterbody.

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Conservation Commission/Staff Comments:

Con Com would like the perched beach set back farther from the shoreline.

Inspection Date: 04/28/2004 by Dale R Keirstead

APPROVE PERMIT:

1. Permanently remove 650 sqft of rock fill and 378 sqft of decking from the lakebed to restore the natural shoreline behind the excavated dock and fill area.
2. Fill 584 sq ft to construct 44 linear ft of breakwater, in an "I" configuration, with a 7 ft gap at the shoreline and a 4 ft x 30 ft cantilevered pier connected to two 4 ft by 30 ft permanent piling piers by a 6 ft x 45 ft walkway in "W" configuration.
3. Install two personal watercraft lifts in one of the constructed slips.
4. Temporarily remove the existing boathouse, excavate the existing 9 ft wide dug-in slip to 12 ft wide and reconstruct the retaining wall and replace boathouse in kind with no changes in dimensions.
5. Expand the existing 3 ft by 20 ft permanent dock to 4 ft by 25 ft and re-locate the docking structure over the existing rock breakwater.
6. Excavate 760 sqft to construct a 567 sqft perched beach with a 6 ft wide access stairs to the waterbody.

With Conditions:

1. All work on this property having an average of 305 ft of frontage on Lake Winnepesaukee in Gilford shall be in accordance with plans by Watermark Marine Construction dated December 15, 2003, revision date April 20, 2004, as received by the Department on April 26, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Applicant for a shoreline structure defined as a major project shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage to those structures.
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. This permit does not allow for maintenance dredging.
11. Dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Stamped surveyed plans shall be submitted within 30 days of the completion of the construction on the frontage, these plans



shall include post construction shorefront and lake bottom topography and shall identify all boatslips. Photos of the restabilized shoreline shall be submitted with the plans.

13. This permit does not allow for rip rap to be installed the area of shoreline to be restored behind the excavated dock and fill.

#### LIFTS

14. The seasonal personal water craft lifts shall be removed during the non-boating season.

#### BEACH

15. No trees shall be cut or stumps removed for the installation of the perched beach or access stairs.

16. Dredged or excavated material from the beach area shall be placed outside of the DES Wetlands Bureau jurisdiction.

17. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

18. The steps installed for access to the water shall be located completely landward of the normal high water line.

19. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.

20. This permit shall be used only once, and does not allow for annual beach replenishment.

21. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

22. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

#### DOCKS

23. Installation of this docking structure or access steps shall not require modification, regarding, recontouring, of the shoreline outside of the removal of fill identified on the approved plans.

24. These shall be the only structures on this water frontage and all portions of the new structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.

25. No portion of the piling piers shall extend more than 30 feet from the shoreline at full lake elevation. The cantilevered pier shall not extend more than 40 feet lakeward at full lake elevation.

26. The minimum clear spacing between pile bents shall be 12 feet.

#### BREAKWATER

27. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.

28. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).

29. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.

30. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.

31. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.

32. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

33. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

#### With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.

2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.

3. The applicant has an average of 305 feet of shoreline frontage along Lake Winnepesaukee.

4. A maximum of 5 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.

5. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2 and therefore meets Rule Wt 402.14.

6. Public hearing is waived based on field inspection, by NH DES staff, on April 28, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

7. This site is not located on the breakwater map pursuant to Wt 402.07(b)(2), DES waives the applicant from submitting information pursuant to Wt 402.07(c) based on DES field inspection on April 28, 2004. Field inspection found the placement of a breakwater in this location to be justified due to significant wave activity.
8. Field inspection on April 28, 2004 found no obvious evidence of sand migration along this shoreline.
9. The agent for the applicant has relocated the perched beach farther shoreward thus addressing the local Conservation Commissions concerns.

-Send to Governor and Executive Council-

**2004-00254                      FRIECE, WILLIAM**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Dredge 231 sq ft of lakebed and fill 650 sq ft to construct 50 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 5 ft x 40 ft cantilevered pier attached to a 5 ft x 40 ft piling pier with a 6 ft x 22 ft walkway on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE PERMIT:

Dredge 231 sq ft of lakebed and fill 650 sq ft to construct 50 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 5 ft x 40 ft cantilevered pier attached to a 5 ft x 40 ft piling pier with a 6 ft x 22 ft walkway on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction of Wolfboro, Inc. revised on May 10, 2004, as received by the Department on May 12, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.

16. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA482-A:2, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on May 11, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on May 11, 2004 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**1999-00816                      NH FISH & GAME DEPARTMENT**  
**ALSTEAD   Warren Lake**

Requested Action:

Amend permit to remove and replace the concrete planks and replace the erosion stone.

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Conservation Commission/Staff Comments:

Repair/replacement of existing ramp. Improvements to water quality by replacing bituminous asphalt with concrete.

No comments from Conservation Comm.

APPROVE AMENDMENT:

Dredge and fill 2895 square feet for the replacement of an existing bituminous asphalt boat ramp with a concrete plank ramp and stabilization of adjacent eroding shoreline.

With Conditions:

1. All work shall be completed in accordance with plans by the NH Dept of Fish & Game revised April 29, 2004 received by the Wetlands Bureau on May 7, 2004.
  2. Any further alteration of wetlands on this property will require a new application and further permitting by the DES Wetlands Bureau.
  3. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
  4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
  5. Repair shall maintain existing size, location and configuration.
  6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

Where construction activities have been temporarily suspended outside the growing season, all exposed soil areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project will improve and protect water quality by replacing a bituminous asphalt ramp with a concrete plank ramp and by stabilizing eroding areas of shoreline.

**2002-02209                      PICARD, SUSAN**  
**GROTON   Beaver Pond**

Requested Action:

Impact a total of 11,800 square feet of wetland further described as follows: Restore 7,650 square feet of forested wetland by September 1, 2004; Retain 2750 square feet of forested wetland impact for pond construction; and temporarily impact an additional 600 square feet to cross the intermittent stream with the dry hydrant line.

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APPROVE PERMIT:

Impact a total of 11,800 square feet of wetland further described as follows: Restore 7,650 square feet of forested wetland by September 1, 2004; Retain 2750 square feet of forested wetland impact for pond construction; and temporarily impact an additional 600 square feet to cross the intermittent stream with the dry hydrant line.

With Conditions:

1. All work shall be in accordance with plans by Neil McIver titled 4-20-03-B, as received by the Department on April 15, 2004.
2. The restoration shall be done according to the Restoration Plan by Neil McIver titled Addition 8, 4-20-03-B and received by the department on April 15, 2004 any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
3. This permit is contingent upon restoration of 7650 square feet of forested wetland by September 1, 2004.
4. New pond construction shall not commence until the previously disturbed wetland area has been regraded to original contours.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. A qualified wetlands consultant shall be on site during all stages of the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this approval.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and restoration. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be conducted during low water conditions.
9. Adequate supplies of siltation and erosion control materials shall be on site prior to commencing work; such supplies include but are not limited to siltation fencing, jute matting, straw bales, seed mix(es), mulch, and tackifier.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and faulty equipment shall be repaired.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Area of temporary impact shall be regraded to original contours following completion of work.
20. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
22. Mulch within the restoration areas shall be straw.
23. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES. Shrub species identified on the approved plan shall be a minimum container size of one gallon. Reed canary grass shall not be in any seed mix.
24. No fertilizer is to be used within wetlands jurisdiction.
25. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
27. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
28. Silt fencing must be removed once the area is stabilized.
29. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction. The report shall document all stages of the restoration including, but not limited to, documentation of erosion control deployment, restoration sequencing, and status of restoration at time of report.
30. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the restoration area and schedule remedial actions if necessary. The report should be submitted to DES by September 15, 2005 and contain photographs of the site, include any necessary remedial actions and contain a schedule for completing the remedial actions by October 15, 2005. Similar inspections, reports and remedial actions shall be undertaken in 2006.
31. Remedial measures may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.
32. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided a letter from the Fire Chief urging approval for the proposed fire pond and dry hydrant.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 12, 2004. Field inspection determined that the proposed pond will not adversely impact the hydrology of the wetland and the restoration of the previously disturbed area will provide better wildlife habitat.
6. The applicant has provided certified mail receipts illustrating that all abutters have been appropriately notified in accordance with RSA 482-A.
7. A certified wetland scientist shall be on site during restoration to verify that work is done appropriately.

**2003-00623                      PAULDING, JEAN/JOHN/CYNTHIA**  
**WEARE   Unnamed Wetland**

Requested Action:

Approve name change to: Mystic Brook LLC, 106 Jenkins Rd., Bedford NH 03110 per request received 5/24/04.

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Conservation Commission/Staff Comments:

Questionable digitizing on lot outline. Very poor outline on USGS map. No tax map. No survey information on subdivision plan.

Conservation Commission recommends installation of a box culvert in place of twin culverts along stream crossing on Winterberry lane at roadway station 16+00.

Inspection Date: 05/02/2003 by Jeffrey D Blecharczyk

Inspection Date: 07/07/2003 by Jeffrey D Blecharczyk

APPROVE NAME CHANGE:

Fill approximately 15,565 square feet of palustrine forested and scrub-shrub wetlands to provide access to 46 building lots associated with a residential subdivision known as Holly Hill Farm. Preserve 98.54 acres of Open Space

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Associates revised September 5, 2003, as received by the Department on September 10, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland preservation:

14. This permit is contingent upon the execution of an open space easement on 98.54 acres as depicted on plans received September 10, 2003.
15. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the

DES Wetlands Bureau prior to the start of construction.

17. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

18. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

19. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

20. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-00783                      MAWAD, GEORGE**  
**PLYMOUTH   Baker Creek**

Requested Action:

Approve ame change to: Blueberry Hill LLC, 619 Hooksick St., Troy, NY 12180 per request received 5/25/04.

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Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE NAME CHANGE:

Permanently impact 7535 square feet and temporarily impact 750 square feet of forested wetland for access and lot development in the development of 21.31 acres into 8 buildings housing condominium units.

With Conditions:

1. All work shall be in accordance with plans by The Chazen Companies dated April 16, 2003, and revised through February 3, 2004 as received by the Department on February 5, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the units in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. All material removed during work activities shall be placed out of DES's jurisdiction.
11. Mulch within the restoration area shall be straw.
12. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.

13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

Requested Action:

Permanently impact 7535 square feet and temporarily impact 750 square feet of forested wetland for access and lot development in the development of 21.31 acres into 8 buildings housing condominium units.

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APPROVE PERMIT:

Permanently impact 7535 square feet and temporarily impact 750 square feet of forested wetland for access and lot development in the development of 21.31 acres into 8 buildings housing condominium units.

With Conditions:

1. All work shall be in accordance with plans by The Chazen Companies dated April 16, 2003, and revised through February 3, 2004 as received by the Department on February 5, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the units in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. All material removed during work activities shall be placed out of DES's jurisdiction.
11. Mulch within the restoration area shall be straw.
12. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized



within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. Silt fencing must be removed once the area is stabilized.

17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has supplied all the information required as part of Wt 304.09.

**2003-02572**

**COW ISLAND PROPERTY TRUST, MCAUSLAND & SANG TTEES**

**TUFTONBORO Lake Winnepesaukee**

Requested Action:

Permanently remove an existing permanent crib supported dock and construct a permanent "L" shaped dock consisting of a 32 ft by 6 ft dock supported by two 6 ft by 6 ft cribs connected to a 39 ft by 6 ft dock supported by a 6 ft by 6 ft crib and a 6 ft by 7 ft crib on an average of 943 ft of frontage on Cow Island, Lake Winnepesaukee, Tuftonboro.

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Conservation Commission/Staff Comments:

Con Com requested a 40 day hold November 17, 2003. No response has been submitted to the file by January 2, 2004.

Con Com states existing dock is illegal

APPROVE PERMIT:

Permanently remove an existing permanent crib supported dock and construct a permanent "L" shaped dock consisting of a 32 ft by 6 ft dock supported by two 6 ft by 6 ft cribs connected to a 39 ft by 6 ft dock supported by a 6 ft by 6 ft crib and a 6 ft by 7 ft crib on an average of 943 ft of frontage on Cow Island, Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Mason Marine Construction dated September 19, 2003, revision date April 19, 2004, as received by the Department on April 29, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau or stored in the temporary storage area noted on the submitted plans.
5. This permit does not allow for maintenance dredging.
6. Installation of this docking structure or access steps shall not require modification, regarding, recontouring, of the shoreline.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.

8. No portion of the pier shall extend more than 39 feet from the shoreline at full lake elevation.
10. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has sufficient frontage for 13 boatslips.
6. The proposed docking facility provides for 4 boatslips pursuant to RSA 482-A.

**2004-00096**

**SEA COTTAGE REALTY LLC**

**RYE Tidal Buffer**

Requested Action:

Amend permit to read: Impact a total of 1,811 square feet of developed upland tidal buffer zone for the replacement of a failing effluent disposal system; temporary impacts total 1,671 square feet of developed upland tidal buffer zone, and permanent impacts total 140 square feet of developed upland tidal buffer zone.

\*\*\*\*\*

APPROVE AMENDMENT:

Amend permit to read: Impact a total of 1,811 square feet of developed upland tidal buffer zone for the replacement of a failing effluent disposal system; temporary impacts total 1,671 square feet of developed upland tidal buffer zone, and permanent impacts total 140 square feet of developed upland tidal buffer zone.

With Conditions:

1. AMENDED CONDITION: All work shall be in accordance with plans by NH Soil Consultants, Inc. dated November 2003, with revisions dated May 14, 2004, as received by the Department on May 18, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Repair shall maintain existing size, location and configuration.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(b), projects that involve work within 50 feet of a saltmarsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01; the proposed impacts are needed to replace the existing, failing septic system.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03; the system replacement will constitute a tremendous

improvement over the existing and historical conditions on the property.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. AMENDED FINDING: The applicant has provided the written approvals of those abutters whose property lines exist within 20 feet of the proposed work.

6. NH Natural Heritage Inventory (NHNHI) has record of one plant species of special concern within the project area, Beach Grass (*Ammophila breviligulata*).

7. DES review of this application finds that the NHNHI identified plant species will not be negatively impacted as a result of this project, as the identified plant species does not exist within the work area.

8. DES waives RSA 483-B:9 (V)(b)(2)(A)(i), as the proposed replacement system will not be setback a distance of 125 feet from the highest observable tide line (HOTL), but at a distance of 66.5 feet from the HOTL of the ocean, and 69 feet from the HOTL of the saltmarsh. The proposed location represents the greatest distance possible from both HOTLs, and greatly improves the environmental condition of the property, therefore bringing the property more nearly into conformance with RSA 483-B, the Comprehensive Shoreland Protection Act.

9. ADDED FINDING: Amendment was requested for 63 square feet of additional temporary impacts for the installation of a "mini dry well" for the separate disposal of water softener backwash and cooling system condensate.

**2004-00567                      WINNISQUAM RESORT CONDOS**  
**TILTON   Lake Winnisquam**

Requested Action:

Dredge 18 cubic yards from 510 sqft within a previously permitted dug in boatslip within a 19-slip, major docking facility on approximately 330 ft of frontage on Lake Winnisquam, Tilton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. requests standard conditions, including dredge shall be done during low water.

APPROVE PERMIT:

Dredge 18 cubic yards from 510 sqft within a previously permitted dug in boatslip within a 19-slip, major docking facility on approximately 330 ft of frontage on Lake Winnisquam, Tilton.

With Conditions:

1. All work shall be in accordance with plans by Winnisquam Resort Condominium Association as received by the Department on April 5, 2004, and dredge profile plans as received by the Department on May 21, 2004.
2. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g).
2. The dredge area is within a previously permitted dug in slip.
3. The applicant has a concurrent permit to dredge the adjacent slip.

**2004-00735                      PSNH, SCHILLER STATION**  
**PORTSMOUTH   Piscataqua River**

Requested Action:

Impact 400 square feet of an existing wharf, access trestle, auxiliary pier, and stern line mooring cell structures within the tidal Piscataqua River for maintenance and repairs. Repairs to the wharf include the following: installing cathodic protection of anodes, scour repair, repairs to corrosion holes in steel caissons, replacement of steel coating on superstructure, repair to concrete superstructure cracks and spalls, replacement of mooring hardware coating, and replacement of timber rub strips. Repairs to the access trestle include replacing isolated deteriorated timber braces, piles, and timber docking. Repairs to the auxiliary Pier consist of demolition and replacement of the pier structure. Repairs to the stern line mooring cell include demolition and structural replacement.

\*\*\*\*\*

Inspection Date: 05/05/2004 by Christina Altimari

APPROVE PERMIT:

Impact 400 square feet of an existing wharf, access trestle, auxiliary pier, and stern line mooring cell structures within the tidal Piscataqua River for maintenance and repairs. Repairs to the wharf include the following: installing cathodic protection of anodes, scour repair, repairs to corrosion holes in steel caissons, replacement of steel coating on superstructure, repair to concrete superstructure cracks and spalls, replacement of mooring hardware coating, and replacement of timber rub strips. Repairs to the access trestle include replacing isolated deteriorated timber braces, piles, and timber docking. Repairs to the auxiliary Pier consist of demolition and replacement of the pier structure. Repairs to the stern line mooring cell include demolition and structural replacement.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated 2004, as received by the Department on April 27, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Repair shall maintain existing size, location and configuration of the existing structures.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing legal structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed repairs will not increase the over water footprint of the existing structures.
6. This approval is consistent with other approvals for maintenance, repair, and replacement within the tidal waters of the State.

MINIMUM IMPACT PROJECT

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**2003-00644                      MCFARLAND, SUZANNE**  
**RYE   Atlantic Ocean**

Requested Action:

Amend permit to read: Impact approximately 750 square feet of tidal buffer zone to repair an existing riprap wall and reconfigure existing boulders to serve as stepping stones along 120 linear feet of Parson's Creek and the Atlantic Ocean in Rye.

\*\*\*\*\*

APPROVE AMENDMENT:

Amend permit to read: Impact approximately 750 square feet of tidal buffer zone to repair an existing riprap wall and reconfigure existing boulders to serve as stepping stones along 120 linear feet of Parson's Creek and the Atlantic Ocean in Rye.

With Conditions:

1. AMENDED CONDITION: All work shall be in accordance with plans by Easterly Surveying, Inc dated April 8, 2003, with revisions dated April 16, 2003, as received by the Department on May 8, 2003; and in accordance with materials submitted with the amendment request by Suzanne McFarland dated May 14, 2004, as received by the Department on May 18, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. All work shall be done at low tide.
6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. There shall be no change in the location, configuration, or dimensions of the existing riprap slope.
8. ADDED CONDITION: Work to reconfigure the existing boulders shall be completed from the top of the rip rap slope; heavy equipment shall not be tracked along the beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing riprap slopes.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, as this past winter's storms have shifted existing riprap boulders and exposed the roots of several *Rosa rugosa* bushes on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03, as this slope is too steep and is in too harsh an environment to be stabilized with vegetation.
4. Repair will maintain the same location, configuration, and dimensions of the existing riprap slope.
5. This approval is consistent with other riprap repair approvals along the New Hampshire seacoast.

**2003-02752                      HAMBLIN, ROGER**  
**CENTER HARBOR   Lake Winnepesaukee**

Requested Action:

Applicant requests amendment to remove 3 pilings, 1 crib and install 1 ice cluster.

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APPROVE AMENDMENT:

Amend Permit to Read:

Replace an existing 4 ft x 16 ft 6 in crib and an existing 4 ft x 31 ft crib with (1) 3 ft x 16 ft 6 in crib and (1) 3 ft x 31 ft crib, and repair in-kind (1) 6 ft x 12 ft crib, (1) 6 ft x 14 ft crib, and (1) 6 ft x 5 ft crib, supporting a 16 ft 6 in x 51 ft boathouse with a 4 ft x 51 ft walkway, permanently remove a 4 ft x 6 ft crib, 3 pilings, and replace with (1) 3-piling ice cluster, and install a boatlift hoist inside boathouse adjacent to (2) boathouses over the water in Cavaliers Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 9, 2004, revised on May 11, 2004, as received by the Department on May 14, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Removed boathouse and crib material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior.
5. Existing rocks inside the ballasts shall be used for repair. No Additional Rocks.
6. Two cribs shall be repaired and reduced to widen the existing boatslip by a total of 1 ft.
7. Repair of three cribs and walkway shall maintain existing size, location and configuration.
8. This permit does not allow for any dredging of the boatslips.
9. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing boathouse by reducing the size of two existing cribs with no change in size, location or configuration of the footprint.

**2004-00358**

**DEMERS, CAREY**

**NEWBURY Lake Sunapee**

Requested Action:

Applicant requests amendment to reflect actual dimensions.

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Conservation Commission/Staff Comments:

Con. Com. did not sign application; feels project is incomplete and warrants a site inspection.

APPROVE AMENDMENT:

Amend Permit to Read:

Repair an existing 32 ft 8 in x 22 ft 6 in boathouse supported by (4) 8 ft x 8 ft cribs in kind, connected to (1) existing 5 ft x 30 ft 8 in pier, (1) existing 3 ft 6 in x 30 ft 8 in pier, and (1) existing 6 ft x 31 ft deck attached at the shoreline on an average of 90 ft of frontage on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Richard Green revised on May 20, 2004, as received by the Department on May 24, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
7. The existing rocks from the cribs shall be used for repair. No Additional Rocks.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. Repair shall maintain existing dimensions (including height), location and configuration.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00506                      BOCKLEY, ERICH**  
**BELMONT   Lake Winnisquam**

Requested Action:

Repair an existing 12 ft 6 in x 16 ft cantilevered swim deck, an existing 8 ft 6 in x 7 ft concrete deck, an existing 8 ft x 10 ft concrete deck attached to an existing 6 ft x 32 ft landing with an existing 30 linear ft rock wall in-kind, and install a 4 ft x 40 ft seasonal dock and a 11 ft x 11 ft seasonal boatlift on an average of 165 ft of frontage on Lake Winnisquam, Belmont.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Repair an existing 12 ft 6 in x 16 ft cantilevered swim deck, an existing 8 ft 6 in x 7 ft concrete deck, an existing 8 ft x 10 ft concrete deck attached to an existing 6 ft x 32 ft landing with an existing 30 linear ft rock wall in-kind, and install a 4 ft x 40 ft seasonal dock and a 11 ft x 11 ft seasonal boatlift on an average of 165 ft of frontage on Lake Winnisquam, Belmont.

With Conditions:

1. All work shall be in accordance with plans by Erich Bockley dated February 26, 2004, as received by the Department on March 29, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. Seasonal structures shall be removed from the lake for the non-boating season.

10. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(a) installation of a seasonal dock, and (v), repair of existing structures with no change in size, location or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00814                      CORREIA, JOSEPH & HELEN**  
**SUNAPEE    Lake Sunapee**

Requested Action:

Replace two "L" shaped cribs supporting a 15 ft 4 in x 32 ft 3 in boathouse and associated docks "in-kind" on 154 linear feet of frontage on Lake Sunapee.

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Conservation Commission/Staff Comments:

No ConComm signature.

APPROVE PERMIT:

Replace two "L" shaped cribs supporting a 15 ft 4 in x 32 ft 3 in boathouse and associated docks "in-kind" on 154 linear feet of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 5, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. All debris from the original cribs shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for maintenance dredging.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair/replacement "in-kind" of docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to



areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00851                      BUSH, JOHN & IRENE**  
**NEW CASTLE    Piscataqua River**

Requested Action:

Impact 140 square feet of developed upland tidal buffer zone for the repair and vertical extension, approximately 6 - 12 inches, along an existing stone and mortar seawall.

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Inspection Date: 03/30/2004 by Christina Altimari

APPROVE PERMIT:

Impact 140 square feet of developed upland tidal buffer zone for the repair and vertical extension, approximately 6 - 12 inches, along an existing stone and mortar seawall.

With Conditions:

1. All work shall be in accordance with plans by Piscataqua Landscaping dated April 20, 2004, as received by the Department on May 6, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. All work shall be done at low tide.
6. Work shall be completed from the top of the upland side of the wall; heavy equipment shall not be tracked along the waterfront side of the wall.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. Repair will maintain the same footprint of the existing seawall.

**2004-00882                      CHANGING PLACES REAL ESTATE LLC**  
**MADBURY    Unnamed Wetland**

Requested Action:

Permanently retain 2,930 square feet of fill in a forested wetland, which was previously used as a temporary forest access road approved by DES under forestry notification #2001-2289, for right-of-way access to Hoyt's Pond.

\*\*\*\*\*

APPROVE PERMIT:

Permanently retain 2,930 square feet of fill in a forested wetland, which was previously used as a temporary forest access road approved by DES under forestry notification #2001-2289, for right-of-way access to Hoyt's Pond.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates dated December 3, 2003, with revisions dated April 26, 2004, as received by the Department on May 10, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet of fill in wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This road was previously used as a temporary forest access road approved by DES under forestry notification #2001-2289.

**2004-00932 JUST CAUSE REALTY TRUST, JEFF DELUCIA**  
**NOTTINGHAM Unnamed Wetland**

Requested Action:

Temporarily impact approximately 4,015 square feet of isolated, scrub-shrub and forested wetlands to excavate and treat contaminated soils.

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Conservation Commission/Staff Comments:

During a telephone conversation with DES Wetlands Bureau staff on May 24, 2004, the Co-Chairman of the Nottingham Conservation Commission (ConCom) stated that the ConCom had conducted an inspection of the property and had no objections to the project.

APPROVE PERMIT:

Temporarily impact approximately 4,015 square feet of isolated, scrub-shrub and forested wetlands to excavate and treat contaminated soils.

With Conditions:

1. All work shall be in accordance with the Decontamination and Reclamation Plan (hereinafter referred to as the "Approved Plan") by Cammett Engineering dated May 5, 2004 and revised May 11, 2004, as received by the Department on May 14, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Excavated material shall be treated and stockpiled outside of the jurisdiction of the DES Wetlands Bureau.
6. Temporary wetland impact areas shall be regraded to original contours, planted with native wetlands shrubs and saplings, seeded with a wetland seed mix and stabilized immediately following completion of work.
7. The permittee shall strictly adhere to the Wetlands Reclamation Sequence and the Wetlands Reclamation Planting Notes and Planting Specifications referenced on the Approved Plan.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(o), based on the degree of environmental impact.
2. The project is necessary to treat soils contaminated with volatile organic compounds.
3. Removal of contaminated soils will benefit the health, safety and well being of the surrounding community.
4. The wetlands to be disturbed are isolated, and wetlands impacts will be temporary in nature.
5. During a telephone conversation with DES Wetlands Bureau staff on May 24, 2004, the Co-Chairman of the Nottingham Conservation Commission (ConCom) stated that the ConCom had conducted an inspection of the property and had no objections to the project.
6. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
7. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
9. Based on review of information contained in the application, the Department finds that the project will not significantly impair the wetlands resources on-site.

**FORESTRY NOTIFICATION**

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**2004-00925                      FOLSOM TTEE, RICHARD**  
**NEW HAMPTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New Hampton Tax Map R6, Lot # 48

**2004-00927                      OUIMETTE, DANIEL**  
**WEST STEWARTSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
West Stewartstown Tax Map A5, Lot# 14

**2004-00928                      OWEN, LEON**  
**STEWARTSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stewartstown Tax Map B3, Lot# 25

**2004-00941                      GARNETT, GORDON**  
**STODDARD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stoddard Tax Map 422, Lot# 12

**2004-00942                      GILL, MARY JANE**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Swanzy Tax Map 65, Lot# 4 & 5

**2004-00950                      HENRY, BAYARD**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 20, Lot# 1

**2004-00951                      HENRY, BAYARD**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 14, Lot# 1

**2004-00952                      HENRY, BAYARD**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 7, Lot# 5

## EXPEDITED MINIMUM

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**2001-01095                      OBRIEN, CATHY/SEAN**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Approve name change to: Asa & Michelle Morse, 1 Mill st # 266, Dover, NH 03820 per request received 5/26/04.

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APPROVE NAME CHANGE:

Fill 1,094 sq. ft. of forested wetland and install a 12" culvert to provide driveway access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated June 5, 2001, as received by the Department on June 13, 2001.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction at the driveway crossing and at the proposed well to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-01978                      BURL, DAVID**  
**GILMANTON   Tributary To Varney Brook**

Requested Action:

Approve name change to: Willowgrass Homes/Mark Warren, 95 Brown Hill Rd., Bow, NH 03304 per request received 5/24/04.

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Conservation Commission/Staff Comments:

The conservation commission did not sign this expedited application form, due to inaccuracies of the plan. These inaccuracies have been corrected.

APPROVE NAME CHANGE:

Dredge and fill 2838 square feet of forested wetland, extend existing 18-inch culvert a total of 11 feet for roadway access in the subdivision of 39.11 acres into 5 single family residential lots and one 25.16 acre residual lot.

With Conditions:

1. All work shall be in accordance with plans by Golde Planning and Design dated September 8, 2003, as received by the Department on September 24, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-00163                      WALKER, KENNETH**  
**WESTMORELAND   Unnamed Wetland**

Requested Action:

Install two 18-inch x 25 foot culverts impacting 1,950 square feet of palustrine forested wetlands to provide access to a proposed single family residence.

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Conservation Commission/Staff Comments:

Westmoreland Conservation Commission signed the expedited application.

DENY RECONSIDERATION:

Install two 18-inch x 25 foot culvert impacting 1,950 square feet of palustrine forested wetlands to provide access to a proposed single family residence.

With Findings:

Standards for Approval

1. In accordance with Administrative Rule Wt. 101.03, an Applicant means any person with a property interest in the land on which the project is to be located sufficient for the applicant legally to proceed with the project, or one acting as an agent of such a person.
2. In accordance with RSA 482-A:3(I), and Administrative Rule Wt 505.01 (f), the applicant shall provide a list of abutters names, mailing address and postal receipts or copies verifying that abutters have been notified by certified mail.
3. Expedited minimum impact permits are required to meet the requirements of Administrative Rule Wt 505.01.
4. Review of expedited minimum impact projects, identified for expedited review shall meet the review procedures of Administrative Rule Wt. 505.02.
5. Projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property, must meet the requirements of Administrative Rule Wt. 303.04(f).

Findings of Fact

6. The Department is not mandated to require direct proof of ownership, nor written statements of agreement for individuals to act as an authorized agent.
7. The owner of Lots 1 and 8, Robert A. Chase, identified on the Town of Westmorland Tax Map R-12, was notified of the proposed project by certified mail, receipt number 7002 0460 0000 7762 2940.
8. The applicant submitted a copy of the domestic return receipt, signed by the owner of Lots 1 and 8, identified on Town of Westmorland Tax Map R-12, dated January 20, 2004, with the expedited application received by the Department on January 30, 2004.
9. The applicant requested, and the plans reference, 1,950 square feet of jurisdictional wetland impacts as delineated by a state certified wetland scientist, Thomas E. Forest (CWS No.180).
10. The application satisfies all of the requirements found in Administrative Rule Part Wt 505 and therefore the project qualifies for expedited review.
11. The Department does not require a site inspection for minimum impact projects.
12. The Department does not require an engineering review for minimum impact projects.
13. The project as designed will maintain surface water flows and therefore does not meet the definition of a dam.
14. The Department does not require a hydrologic study for minimum impact projects. There is no sound engineering basis for the appellant's claim that construction of the driveway downgradient from his property will cause his land to become dewatered.
15. On February 24, 2004, the applicant submitted documentation of an existing, 12" culvert immediately downstream of the proposed project.

## Ruling in Support of the Decision

15. The Department determined that the expedited minimum impact application met the requirements for application completeness, in accordance with Administrative Rule Wt. 505.01.
16. The Department conducted a technical review of the expedited application in accordance with Administrative Rule Wt. 505.02.
17. The Department determined the project would impact less than 3,000 square feet of jurisdictional wetlands in accordance with Administrative Rule Wt. 303.04(f).
18. The Department determined information submitted by the applicant adequately addressed the proposed driveway culvert sizing in relation to the immediate down gradient culvert crossing.
19. The Department reaffirms its decision that the proposed culverted driveway crossing of this wetland will have no adverse effect on the environment or infringe upon the property rights of others.

### **2004-00392                      DEEP WATER MARINE MGMT., INC. MEREDITH Lake Winnepesaukee**

#### Requested Action:

Repair and add two additional concrete supports under, an existing 5 ft by 60 ft permanent wharf along an existing boathouse, on 95 ft of frontage on Lake Winnepesaukee, Meredith.

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#### Conservation Commission/Staff Comments:

Con Com signed Exp Application

#### APPROVE PERMIT:

Repair and add two additional concrete supports under, an existing 5 ft by 60 ft permanent wharf along an existing boathouse, on 95 ft of frontage on Lake Winnepesaukee, Meredith.

#### With Conditions:

1. All work shall be in accordance with plans by Mason Marine Construction dated March 1, 2004, revision date April 12, 2004, as received by the Department on April 9, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Repair shall maintain existing size, location and configuration.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

#### With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).
2. The addition of the two concrete support piers does not add slips to the frontage.

**2004-00526                      ALMEDO TRUST LDR**  
**DERRY    Unnamed Wetland**

Requested Action:

Fill approximately 172 square feet of scrub-shrub wetlands to lengthen an existing 15-inch diameter culvert beneath Warner Road to improve roadway safety and facilitate access to a 4-lot residential subdivision on approximately 32.4 acres.

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Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill approximately 172 square feet of scrub-shrub wetlands to lengthen an existing 15-inch diameter culvert beneath Warner Road to improve roadway safety and facilitate access to a 4-lot residential subdivision on approximately 32.4 acres.

With Conditions:

1. All work shall be in accordance with the Wetland Impact Detail (Sheet 6 of 6) by Edward N. Herbert Assoc., Inc. dated September 2003, as received by the Department on April 28, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be done during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped, where appropriate.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided evidence that an existing wetland crossing, north of the proposed impacts, is grandfathered.

**2004-00539                      CARBO DEVELOPMENT LLC**  
**WINDHAM    Unnamed Wetland**



Requested Action:

Dredge and fill approximately 162 square feet (50 linear feet) within the bed and banks of an intermittent stream and adjacent forested wetlands to construct a roadway to provide access to a 54-lot subdivision, representing Phase III of the residential development known as Castle Reach.

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Conservation Commission/Staff Comments:

The Windam Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 162 square feet (50 linear feet) within the bed and banks of an intermittent stream and adjacent forested wetlands to construct a roadway to provide access to a 54-lot subdivision, representing Phase III of the residential development known as Castle Reach.

With Conditions:

1. All work shall be in accordance with the Following plans by Edward N. Herbert Assoc. Inc.: Wetland Impact Erosion Control Plan and Wetland Impact Detail Plan by , dated February 2004, as received by the Department on April 2, 2004 and Subdivision Plan (Sheet 3-15 of 49) dated January 2004, as received by the Department by on April 28, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow conditions.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 Square feet of jurisdictional wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00640                      KITTERY POINT YACHT CLUB**  
**NEW CASTLE    Piscataqua River**

Requested Action:

Impact 7,700 square feet of developed upland tidal buffer zone for the resurfacing of an existing impermeable parking area with gravel and recycled asphalt pavement to create a porous parking surface.

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APPROVE PERMIT:

Impact 7,700 square feet of developed upland tidal buffer zone for the resurfacing of an existing impermeable parking area with gravel and recycled asphalt pavement to create a porous parking surface.

With Conditions:

1. All work shall be in accordance with plans by E.L. Arsenault dated March 29, 2004, as received by the Department on April 15, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has provided approvals for work from each of the two abutters whose property lines exist within 20 feet of the proposed project.

**2004-00669                      PRICE, EDMUND**  
**PORTSMOUTH    Piscataqua River**

Requested Action:

Impact 1,310 square feet of developed upland tidal buffer zone for the construction of a single-family residence.

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APPROVE PERMIT:

Impact 1,310 square feet of developed upland tidal buffer zone for the construction of a single-family residence.

With Conditions:

1. All work shall be in accordance with plans by James Verra and Associates, Inc. dated July 31, 2003, with revisions by Anne Whitney dated May 24, 2004, as received by the Department on May 24, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2004-00679                      GARDNER, STEVEN & GRETA**  
**RYE   Atlantic Ocean**

Requested Action:

Impact 5,927 square feet of developed upland tidal buffer zone for the removal and reconstruction of an existing single-family residence and associated stairs that lead to the beach.

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APPROVE PERMIT:

Impact 5,927 square feet of developed upland tidal buffer zone for the removal and reconstruction of an existing single-family residence and associated stairs that lead to the beach.

With Conditions:

1. All work shall be in accordance with plans by Terra Firma Landscape Architecture dated March 26, 2004, with revisions dated April 27, 2004, as received by the Department on May 25, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has obtained written approval from one of the two abutters who's property lines exist within twenty feet of the proposed work.
5. DES waives the requirement to obtain written approval from the abutter to the northeast. After review of this application, DES finds that the northeasterly property will not suffer any negative environmental impacts as a result of the proposed project.
6. NH Natural Heritage Inventory (NHNHI) has record of two state threatened plant species within the project vicinity, Hairy Hudsonia (Hudsonia tomentosa) and Sand Drop-Seed (Sporobolus cryptandrus). NHNHI also has record of one plant species of special concern within the project vicinity, Beach Grass (Ammophila breviligulata).
7. DES finds that none of the NHNHI identified items will be impacted as a result of this project, as the property is currently fully developed and does not support the listed plant species.

**2004-00684                      MAVRIKIS, GEORGE**  
**DOVER    Bellemy River**

Requested Action:

Impact approximately 1,600 square feet of developed upland tidal buffer zone for the construction of a second floor and deck on an existing non-conforming structure, the construction of a 24 ft x 24 ft two-car garage partially in the upland tidal buffer zone, and associated plantings along the northern and southern property lines, as well as along the waterside of the proposed deck.

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APPROVE PERMIT:

Impact approximately 1,600 square feet of developed upland tidal buffer zone for the construction of a second floor and deck on an existing non-conforming structure, the construction of a 24 ft x 24 ft two-car garage partially in the upland tidal buffer zone, and associated plantings along the northern and southern property lines, as well as along the waterside of the proposed deck.

With Conditions:

1. All work shall be in accordance with plans by Pohopek Land Surveyors & Septic Designers dated January 23, 2004, as received by the Department on April 21, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. This permit is contingent upon the plantings proposed on the above-referenced plan, between the proposed deck and the Bellamy River in order to enhance and further stabilize the river bank.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The existing structure in this proposal is considered a "non-conforming structure" under RSA 483-B:11, which defines nonconforming structures as those erected prior to July 1, 1994, and are located within 50 feet of the reference line (highest observable tide line).
5. Per RSA 483-B:11(I), nonconforming structures may be repaired, renovated, or replaced in kind, however no expansion of the existing footprint or outside dimensions shall be permitted, except when an owner can demonstrate that the proposal represents an improvement in overall environmental quality on the site by bringing the property into greater conformity with the intent of the law.
6. The proposed plans bring the property into greater conformity with the Comprehensive Shoreland Protection Act by enhancing vegetative buffers through the addition of plantings along the northern and southern property lines, and between the proposed deck and the Bellamy River.
7. This approval is consistent with other approvals issued for non-conforming properties in the Seacoast Region.

**2004-00714                      STONELODGE CONDO ASSOC.**  
**WOLFEBORO    Lake Winnepesaukee**

Requested Action:

Replace two pilings and two stringers on Unit #1 dock, two fender pilings alongside Unit #2 dock, and two 3-pile ice clusters, one at the end of Unit #1 dock and one at the end of Unit #2 dock on 168.5 feet of shoreline frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:  
ConComm signed.

**APPROVE PERMIT:**

Replace two pilings and two stringers on Unit #1 dock, two fender pilings alongside Unit #2 dock, and two 3-pile ice clusters, one at the end of Unit #1 dock and one at the end of Unit #2 dock on 168.5 feet of shoreline frontage on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans as received by the Department on April 26, 2004 and May 19, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. This permit does not allow for maintenance dredging.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
9. Repairs shall maintain existing size, location and configuration.
10. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair and replacement "in-kind" of docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00727                      ROUND, JAMES**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Install two seasonal boatlifts in existing boat slips adjacent to a 5 foot x 32 foot dock on approximately 60 ft of shoreline frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:  
Combined PBN for ski lift with Min. Exp. for boatlift.

**APPROVE PERMIT:**

Install two seasonal boatlifts in existing boat slips adjacent to a 5 foot x 32 foot dock on approximately 60 ft of shoreline frontage on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans received by the Department on May 18, 2004.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. This permit does not allow maintenance dredging.
7. Seasonal boatlifts shall be removed from the lake for the non-boating season.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04 (ac), installation of a seasonal boatlift.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00812                      AVERY, REBECCA**  
**BROOKFIELD   Kingswood Lake**

Requested Action:

Replenish sand on a 16 ft by 23 ft existing beach on 186 linear feet of shoreline frontage on Kingswood Lake.

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APPROVE PERMIT:

Replenish sand on a 16 ft by 23 ft existing beach on 186 linear feet of shoreline frontage on Kingswood Lake.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 5, 2004.
2. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
3. This permit shall be used only once, and does not allow for annual beach replenishment.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. The Permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(aa), replenishment of a beach using less than 10 cu yd of sand.

**TRAILS NOTIFICATION**

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**2004-00926                      BELLEROSE, MARC**  
**BOW   Unnamed Stream**

**2004-00940                      USDA FOREST SERVICE**  
**ALBANY   Unnamed Stream**

**LAKES-SEASONAL DOCK NOTIF**

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**2004-01014                      BROWN, KEVIN & DONNA**  
**WAKEFIELD   Lovell Lake**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 27, Lot# 2 Lovell Lake

**2004-01015                      NAHILL, THOMAS & ROBIN**  
**ALTON   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Alton Tax Map 40, Lot#2-1 Lake Winnepesaukee

**2004-01030                      COBB, SUSAN**  
**GEORGES MILLS   Lake Sunapee**

COMPLETE NOTIFICATION:  
George's Mills Tax Map 10, Lot# 63 Lake Sunapee

**2004-01051                      HOISTEN, GRETEL & CHRISTOPHER LORD**  
**MEREDITH   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Meredith Tax Map I10, Lot# 153 Lake Winnepesaukee

**2004-01053                      LEE, GARY**  
**WAKEFIELD   Great East Lake**

COMPLETE NOTIFICATION:

Wakefield Tax Map 25, Lot# 27 Great East Lake

SHORELAND VARIANCE / WAIV

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**2004-00405                      BERNARD, RICHARD**  
**LACONIA   Lake Winnisquam**

Requested Action:

Add second floor to a nonconforming motel in Tilton, on Lake Winnisquam.

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APPROVE CSPA WAIVER:

Add second floor to a nonconforming motel in Tilton, on Lake Winnisquam.

With Conditions:

1. All work shall be conducted in accordance with plans dated May 2, 2001, revised on May 10, 2004 as received by DES on May 10, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds.
3. The applicant shall upgrade the existing septic system of the motel and all cottages by connecting to city sewer before the construction of the second story addition.
4. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
5. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
6. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing commercial motel is located within the 50 ft setback to Lake Winnisquam and therefore fails to conform to the minimum standard set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, I, nonconforming structures may be repaired, renovated, or replaced in kind provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant has proposed to upgrade the existing septic system of all cottages, as well as the motel, by connecting to city sewer. An upgraded septic system will bring the structure into greater conformity as it will improve wastewater treatment and therefore meets the criteria of 'more nearly conforming' for the issuance of a waiver per RSA 483-B:11, II.

ROADWAY MAINTENANCE NOTIF

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**2004-01046                    NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**DUMMER   Ditch**

**2004-01047                    NH DEPT OF TRANSPORTATION, HIGHWAY MAT. DIST. ONE**  
**PITTSBURG   Ditch**

**2004-01048                    NH DEPT OF TRANSPORTATION, GREG PLACEY**  
**RANDOLPH   Unnamed Stream**

**2004-01049                    NH DEPT OF DOT, DISTRICT 2**  
**GRANTHAM   Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2004-00723                    AUDET, PETER & BARBARA**  
**BOW   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill approximately 340 square feet of intermittent stream for installation of a 18-inch by 30 foot culvert to access a single family residential lot on 8.1 acres.

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Conservation Commission/Staff Comments:

Bow Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill approximately 340 square feet of intermittent stream for installation of a 18-inch by 30 foot culvert to access a single family residential lot on 8.1 acres.

**2004-00895                    ACKERMAN, BETTY**  
**AMHERST   Tributary To Damon Pond**

Requested Action:

PBN#4, Dredge and fill approximately 720 square feet of intermittent stream for replacement of failed culverts to permit vehicular access to single family residential lot

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Conservation Commission/Staff Comments:  
Amherst Conservation Commission signed the PBN form.

PBN IS COMPLETE:  
PBN#4, Dredge and fill approximately 720 square feet of intermittent stream for replacement of failed culverts to permit vehicular access to single family residential lot

**2004-00901                      HINDS, DEBORAH**  
**FRANKLIN   Webster Lake**

Requested Action:  
PBN#12, Repair of an existing retaining wall with 100 square feet of shoreline impacts.  
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Conservation Commission/Staff Comments:  
Franklin Conservation Commission signed the PBN form.

PBN IS COMPLETE:  
PBN#12, Repair of an existing retaining wall with 100 square feet of shoreline impacts.

**2004-00922                      KINSLER, PHILIP**  
**LYME   Connecticut River**

Requested Action:  
PBN#7, Construction of a 6 foot by 21 foot seasonal dock with a 4 foot by 10 foot ramp on the Connecticut River.  
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Conservation Commission/Staff Comments:  
Lyme Conservation Commission signed the PBN form.

PBN IS COMPLETE:  
PBN#7, Construction of a 6 foot by 21 foot seasonal dock with a 4 foot by 10 foot ramp on the Connecticut River.

**2004-00999                      PUTNAM, RICHARD**  
**MOULTONBOROUGH   Unnamed Wetland**

Requested Action:  
PBN#1, Dredge and fill approximately 1,080 square feet of forested wetland to install a 15-inch by 24 foot culvert for access to a single family residential lot on approximately 54.1 acres  
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Conservation Commission/Staff Comments:  
The Moultonborough Conservation Commission signed the PBN form.

PBN IS COMPLETE:  
PBN#1, Dredge and fill approximately 1,080 square feet of forested wetland to install a 15-inch by 24 foot culvert for access to a single family residential lot on approximately 54.1 acres

**2004-01017                      ARCIDY, MARK**  
**AUBURN   Lake Masabesic**

Requested Action:

PBN#11, Repair/replace of existing docking structures and PBN#12, Repair/replacement of existing retaining wall with 100 square feet of shore line impact.

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Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#11, Repair/replace of existing docking structures and PBN#12, Repair/replacement of existing retaining wall with 100 square feet of shore line impact.